

REMARKS

The specification has been amended to incorporate the disclosure of as-filed claim 1. Specifically, the paragraph in the specification located at page 6, lines 21-27 has been amended to recite a mesh “disposed in between one or more layers of material selected from the group consisting of kraft paper, poly-propylene, and polyethylene.” According to MPEP 2163.06, no new matter is added by this amendment because “information contained in any one of the specification, claims, or drawings of the application as filed may be added to any other part of the application without introducing new matter” (MPEP 2163.06).

Claims 1-3, 6, 8-10, 12, 14, 16-18, and 20-28 stand rejected. Claims 14 and 26 have been amended. Claim 29 has been added. No new matter has been added by these amendments. After the forgoing amendments, claims 1-3, 6, 8-10, 12, 14, 16-18, and 20-29 will be pending.

Rejections under 35 U.S.C. 112, second paragraph:

Claims 1, 14, 16, 21, 24, 25, and 26 stand rejected under 35 U.S.C 112, first paragraph as allegedly failing to comply with the written description requirement. In particular, the office action states that “[t]here is no disclosure of a polypropylene adhesive layer for bonding the mesh layer to a paper layer in applicant’s originally filed specification” (office action dtd. June 9, 2010, page 2, para. 3). As an initial matter, applicant would like to clarify that claims 1, 14, 16, 21, 24, 25, and 26 are not limited to a “polypropylene adhesive layer” as the term “adhesive” is not used in the claims to describe the polypropylene material.

Moreover, applicant submits that claims 1, 14, 16, 21, 24, 25, and 26 are in compliance with the written description requirement. As-filed claim 1 of the originally filed application discloses “a woven polymer mesh disposed in between one or more outer layers of material selected from the group consisting of paper, poly-propylene and polyethylene” (as-filed application, claim 1). Applicant has amended the written description to describe this feature and directs the examiner’s attention to the amended paragraph at page 6, lines 21-27 which now recites a polypropylene intermediate layer. Because the as-filed application includes disclosure of a woven polymer mesh disposed in a layer of poly-propylene, applicant respectfully submits that the written description requirement is satisfied and requests that this rejection be withdrawn.

Claims 14 and 26 stand rejected under 35 U.S.C 112, first paragraph as allegedly failing to comply with the written description requirement. In particular, the office action states that “[t]here is no disclosure of a ‘paper-paper adhesive material, preferably polyvinyl acetate’ in the applicant’s originally filed specification” (office action dtd. June 9, 2010, page 2, para 3). Applicant directs the examiner’s attention to the paragraph at page 7, lines 13-19. This paragraph discloses “sub-layers, bonded together by a conventional paper-paper adhesive, such as PVA” (as-filed application, page 7, lines 14-15). Applicant submits that this disclosure satisfies the written description requirement and requests that this rejection be withdrawn.

Claims 14 and 26 stand rejected under 35 U.S.C 112, second paragraph as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the office action states that a “‘paper-paper adhesive’ . . . is not disclosed in the applicant’s specification so no guidance is available as to what adhesive materials would meet the limitation of ‘paper-paper adhesive’” (*Id.*, page 3, para. 6). For the reason stated above in relation to the rejection of claims 14 and 26 under 35 U.S.C. 112, first paragraph, applicant requests that this rejection be withdrawn.

Claims 14 and 26 stand rejected under 35 U.S.C 112, second paragraph as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the office action states that “the phrase ‘preferably’ renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. Applicant has amended claims 14 and 26 to eliminate the phrase “preferably” and therefore requests that this rejection be withdrawn.

Based on the forgoing reasons, applicant respectfully requests withdrawal of the rejection under 35 U.S.C. 112.

Rejections under 35 U.S.C. 103(a):

Independent claims 1, 16, and 24 under 35 U.S.C. 103(a) as being unpatentable over United States Patent Number 5,328,142 (Weekers) in view of United States Patent Number 6,295,782 (Fyfe). Applicant submits that neither Weekers nor Fyfe alone or in combination teach or suggest a tube including one or more sub-layers, wherein each sub-layer is a *laminate*

having a woven polymer mesh to which is bonded on a first side thereof a paper layer by means of *an intermediate layer* of polyethylene or polypropylene material as claimed.

As a preliminary matter, the office action admits that Weekers does not teach an intermediate layer of polyethylene or polypropylene as claimed but asserts that Fyfe does teach such a structure. Applicant respectfully disagrees and submits that the laminate layer as claimed is distinct from a traditional resin impregnating technique taught by Fyfe. As depicted by Figure 13 of Fyfe, traditional resin impregnation typically requires a resin bath 1305 prior to application on exterior surface 103 (Fyfe, col. 8, lines 27-35). This resin bath fully

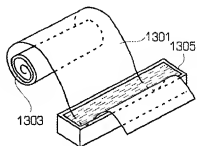


FIG. 13

penetrates the open spaces of the fabric. In contrast, the intermediate laminate layer claimed does not result in the full impregnation of the mesh and "oozing" into the textile to fill in the voids. Instead, the laminate layer attaches to the mesh and paper by simple surface bonding. For at least this reason, applicant contends that the claimed intermediate laminate layer patentably defines over the resin impregnation process taught by Fyfe.

Therefore, neither Fyfe nor Weekers alone or in combination teach a tube including one or more sub-layers, wherein each sub-layer is a *laminate* having a woven polymer mesh to which is bonded on a first side thereof a paper layer by means of *an intermediate layer* of polyethylene or polypropylene material as claimed in claims 1, 16 and 24. Applicant submits that independent claims 1, 16, and 24 (and 2, 3, 6, 8-10, 12, 14, 17, 18, 20-23, and 25-28 which ultimately depend from one of claims 1, 16, and 24) are patentable over the prior art.

For all of the forgoing reasons, applicant respectfully submits that independent claims 1, 16, and 24 (and 2, 3, 6, 8-10, 12, 14, 17, 18, 20-23, and 25-29 which ultimately depend from one of claims 1, 16, and 24) are in condition for allowance. If the Examiner determines that a telephone conference would further the prosecution of this case, she is invited to telephone the undersigned at her convenience.

DOCKET NO.: WATE-0014
Application No.: 10/566,319
Office Action Dated: June 9, 2010

PATENT

Date: November 9, 2010

/Sarah Kovach-Orr/
Sarah Kovach-Orr
Registration No. 64,899

Woodcock Washburn LLP
Cira Centre
2929 Arch Street, 12th Floor
Philadelphia, PA 19104-2891
Telephone: (215) 568-3100
Facsimile: (215) 568-3439